APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,697	01/26/2004	William F. Geritz III	010438/3	9191

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EXAMINER
MANSFIELD, THOMAS L

ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/764,697	GERITZ ET AL.
	Examiner	Art Unit	
	THOMAS MANSFIELD	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 May 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-32* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *3-32* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This non-final Office action is in reply to the Response to Office Action filed on 9 May 2008.

2.   Claims 3-6, and 8-32 have been amended.

3.   Claims 3-32 are currently pending and have been examined.

Response to Amendment

4.   The drawings were previously objected to for embedded hyperlinks and/or other browser executable code.   In light of the Applicant's statement that this information is irrelevant to the Applicant's invention, the objection is withdrawn.

Response to Arguments

5.   Applicant's arguments filed 9 May 2008 have been fully considered but they are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

   Whoever invents or discovers any new and useful process, machine, manufacture, or
   composition of matter, or any new and useful improvement thereof, may obtain a patent therefor,
   subject to the conditions and requirements of this title.

7.   Claims 3-18 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent

Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be

tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject

matter (such as an article or materials) to a different state or thing. Diamond v. Diehr, 450 U.S.

175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S.

63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that

recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should

positively recite the other statutory class (the thing or product) to which it is tied, for example by

identifying the apparatus that accomplishes the method steps, or positively recite the subject

matter that is being transformed, for example by identifying the material that is being changed to

a different state. Here, applicant's method steps, fail the first prong of the new Federal Circuit

decision since they are not tied to another statutory class and can be preformed without the use

of a particular apparatus. Thus, claims 3-18 are non-statutory since they may be performed within

the human mind.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as
set forth in section 102 of this title, if the differences between the subject matter sought to be
patented and the prior art are such that the subject matter as a whole would have been obvious
at the time the invention was made to a person having ordinary skill in the art to which said
subject matter pertains. Patentability shall not be negatived by the manner in which the invention
was made.

9.   Claims 3-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verba et al. (Verba)

(U.S. 6,236,977) in view of Harper (U.S. Pub. No. 2003/0023466).

With regard to Claims 3, 19, and 26, Verba teaches *a method, system and computer-readable storage medium comprising executable computer instructions for evaluating a business development transaction* (computer-implemented, self-optimizing marketing system) (see at least column 2, lines 23-61) *comprising the steps of:*

- *(i) prompting a user to create a user business development file* (campaigns **50** may populate a desire data store **66** with potential or existing customer's desire for types of properties from a property store **70**, agents and services from a person store **68** or properties, neighborhoods, or communities from a property store **70**) *having a standardized business development file data format* (campaign management process **51** which carries and executes the appropriate rules, targets and budget definitions) *and comprising data describing a user product or service* (types of properties from a property store **70**, agents and services from a person store **68** or properties, neighborhoods, or communities from a property store **70**) (see at least column 6, line 53 through column 7, line 54).

- *(ii) searching a market relationship library* (optimization engine that accesses campaign data, person data, property data, agent data and broker data) *to identify one or more library market segments having a predetermined relationship to said specific market segment of said user product or service* (based at least upon relations among the least some of the campaign attributes and person, property, broker, or agent population member attributes (see at least column 3, lines 27-57).

- *(iii) searching an electronic collection of a plurality of stored business development files* (selectively generating a plurality of marketing campaigns characterized by a plurality of stored campaign attributes) *each having said standardized business development file data format* (may specify rules to be reflected in at least one marketing campaign)*, each of said stored business development files describing a stored product and/or service, including a specific market segment of said stored product or service, to locate at least one stored business development file having a specific market segment matching said one or more library market segments* (can provide these capabilities within one market or across many markets) (see at least column 4, lines 8-59).

- *(iv) initiating a mating function* (matching process **64** coordinated with a scoring process **73**) *between said user business development file and at least one target data file produced from step (iii)* (to sort and assess person or property data for the campaigns)*, said mating function combining data from said user business development file, data from said at least one stored business development file* (the matching process ensures that data received from the user interface via virtual workers can be matched to persons in the person store **68** and/or properties in the property store **70**)*, and data describing a hypothetical new business development transaction concerning a hypothetical combination of said user business development file and said at least one stored business development file* (A listing score and sales score are derived for properties based showing how likely they might be to be listed or sold, Potential customers, prediction engine **22**) (see at least column 7, lines 3-20).

Verba does not specifically teach *(v) constructing a quantified business model of said business development transaction, said quantified business model comprising data forecasting the success of said business development transaction in the form of a financial simulation.* Harper teaches *constructing a quantified business model* (financial management position model **30**) *of said business development transaction, said quantified business model comprising data forecasting the success of said business development transaction* (yield higher prices for sales) *in the form of a financial simulatio*n in analogous art of financial management for the purposes of, "to support risk reduction through management of financial positions" (see at least paragraph 0029).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the decision support system and method as taught by Harper with the computer implemented marketing system method of Verba. One of ordinary skill in the art would have been motivated to do so for the benefit of optimizing profits by reducing or eliminating risk (Harper, paragraph 0029).

With regard Claim 4, Verba does not specifically teach *further comprising the step of creating human readable output illustrating said quantified business model.* *Harper* teaches *further comprising the step of creating human readable output illustrating said quantified business model* in analogous art of financial management for the purposes of, "a convenient interface for entering, reviewing and managing the ongoing use of financial positions" (see at least paragraph 0029).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the decision support system and method as taught by Harper with the computer implemented marketing system method of Verba. One of ordinary skill in the art would have been motivated to do so for the benefit of physically analyzing the forecasted market profits (Harper, paragraph 0029).

With regard to Claim 5, Verba teaches *wherein said step (iii) further comprises issuing a query to a lookup table to determine market segments having a predetermined correlation with said specific market segment of said user product or service* (MarketAgentType, MarketAgentAttributes) (see at least column 15, lines 4-52).

With regard to Claim 6, Verba teaches *receiving a list of all stored data files having a market segment having said predetermined relationship to said specific market segment of said user product or service* (defines a property (e.g., real estate, goods) and service object model that encapsulates attributes and operations associated with properties and services administered by the system) (see at least column 4, lines 48-51).

With regard to Claim 7, Verba teaches *wherein said lookup table comprises a plurality of market segments and a plurality of correlations among at least a portion of said market segments* (MarketAgentType, MarketAgentAttributes) (see at least column 15, lines 4-52).

With regard to Claims 8, 20, and 27, Verba teaches *said stored business development files each comprising a publicly available portion and a private portion, further comprising the step of in response to steps (ii) and (ii), displaying to said user only said publicly available portion of said at least one stored business development file* (facilitates commerce between real estate agents, members of the public and one or more real estate brokers) (see at least column 4, lines 9-12).

With regard to Claim 9, Verba teaches *further comprising the step of receiving a selection from said user of at least one specific stored business development file from said collection of stored business development files* (defines a property (e.g., real estate, goods) and service object model that encapsulates attributes and operations associated with properties and services administered by the system) (see at least column 4, lines 48-51).

With regard to Claim 10, Verba teaches *further comprising receiving a selection from said user of at least one market segment, and retrieving from said collection of stored business development files at least one stored business development file including such user-selected market segment* (defines a campaign object model that encapsulates attributes and operations associated with campaigns (e.g., marketing campaigns)) (see at least column 4, lines 48-55).

With regard to Claims 11, 21, and 28, Verba teaches *said user business development file further comprising a user job function designation* (MarketAgentType) *and at least one of said stored business development files further comprising a stored job function designation* (MarketAgentAttribute*, said searching step further comprising performing a job function search of said stored business development files to locate at least one stored business development file comprising a stored job function designation having a predefined job function relationship with said user job function designation* (see at least column 15, lines 4-57).

With regard to Claims 12, 22, and 29, Verba teaches *said predefined job function relationship comprising a common business development transaction type preference, and each job function designation having associated therewith at least one predesignated business development transaction type preference* (market agent type has certain attributes that apply, association between MarketAgent and MarketAgentValue) (see at least column 15, lines 4-57).

With regard to Claim 13, Verba teaches *further comprising the step of presenting to said user a listing of at least a portion of stored business development files located in said job function search* (appropriately format the value for display to the users) (see at least column 15, lines 53-57).

With regard to Claims 14, 23, and 30, Verba teaches *further comprising the step of presenting to said user an indication of why a mating function should be pursued between said user business development file and said stored business development files located in said job function search* (The matching process 64 is coordinated with a scoring process 73 to sort and assess person or property data for the campaigns) (see at least column 6, lines 64-66).

With regard to Claims 15, 24, and 31, Verba teaches *further comprising the step of presenting to said user an indication of a transaction type suitable for mating said user business development file and said stored business development files located in said job function search* (the specialty for a RealtyAgent has specific permissible values that include first time buyer and relocation) (see at least column 15, lines 32-42).

With regard to Claim 16, Verba does not specifically teach *further comprising the step of forwarding at least a portion of said quantified business model to at least one designee identified by said user.* Harper teaches *further comprising the step of forwarding at least a portion of said quantified business model to at least one designee identified by said user* in analogous art of financial management for the purposes of, "for a facility or group view of opportunity" (see at least paragraph 0032).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the decision support system and method as taught by Harper with the computer implemented marketing system method of Verba. One of ordinary skill in the art would have been motivated to do so for the benefit of allowing different users to evaluate different opportunities for different areas within an organization (Harper, paragraph 0032).

With regard to Claim 17, Verba does not specifically teach *further comprising the step of receiving from said designee updates to elements of said quantified business model.* Harper teaches *further comprising the step of receiving from said designee updates to elements of said quantified business model* in analogous art of financial management for the purposes of, "the ability to test solution prior to implementation" (see at least paragraph 0032).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the decision support system and method as taught by Harper with the computer implemented marketing system method of Verba. One of ordinary skill in the art would have been motivated to do so for the benefit of renewing or testing or providing what-if scenarios as a form of updating during a financial evaluation (Harper, paragraphs 0027-0032).

With regard to Claims 18, 25, and 32, Verba does not specifically teach *said quantified business model further comprising multiple distinct portions separated by job function designation, and said portion of said quantified business model forwarded to said designee further comprising a portion having a job function designation matching a job function designation of said designee.* Harper teaches *said quantified business model further comprising multiple distinct portions separated by job function designation, and said portion of said quantified business model forwarded to said designee further comprising a portion having a job function designation matching a job function designation of said designee* in analogous art of financial management for the purposes of, "The various agents which work together in the supply chain" (see at least paragraph 0031).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the decision support system and method as taught by Harper with the computer implemented marketing system method of Verba. One of ordinary skill in the art would have been motivated to do so for the benefit of optimizing various financial forecasting within the different operational or job areas of an organization (Harper, paragraph 0031).

Conclusion

10.   The following prior art made of record and not relied upon is considered pertinent to applicant's
disclosure:

- Helgeson et al (U.S. 7,072,934) discloses a method and apparatus for a business applications server management platform.

- Perras et al (U.S. Pub. No. 2003/0212583) discloses an automated tool set for improving operations in an e-commerce business.

- Osterwolder et al., "An e-Business Model Ontology for Modeling e-Business", 15th Bled Electronic Commerce Conference, Bled, Slovenia, June, 2002, discloses e-business ontology modeling.

- Gordijn et al., "Designing and Evaluating E-Business Models", IEEE, 1094-7167/01, July/August 2001, discloses an e-business model that evaluates the economic feasability of an idea in quantitative terms that are based on an assessment of the value of objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner, Art Unit 3623

15 August 2008
Thomas Mansfield

/Scott L Jarrett/
Primary Examiner, Art Unit 3623